

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division**

**PRISON LEGAL NEWS, a project
of
HUMAN RIGHTS DEFENSE
CENTER, a Washington
not-for-profit organization**

Plaintiff,

vs.

**NORTHWESTERN REGIONAL
JAIL AUTHORITY *et al.*,**

Case No. 5:15-cv-00061-EKD-JCH

Defendants.

DECLARATION OF DOUGLAS R. MCKUSICK

I, Douglas R. McKusick, swear that the information below is true and correct under penalty of perjury.

1. I am the Senior Staff Attorney of the Rutherford Institute and have been since September 2004. I have been licensed to practice law in the District of Columbia since December 1984 and in Virginia since April 2006. I graduated from Syracuse University College of Law May 1984. My practice for the last 15 years has been devoted to being an advocate for those whose civil rights have

been violated. The mission of the Rutherford Institute is to provide pro bono legal assistance to persons whose civil liberties have been threatened or violated.

2. During my 15 years as Senior Staff Attorney director, I have recruited hundreds of lawyers from around the country to litigate civil rights case as affiliates of The Rutherford Institute. In my position, I have co-counseled with and advised attorneys who volunteer their services on cases undertaken by The Rutherford Institute. I have been involved in the litigation of well over a hundred civil rights cases.

3. I am unfamiliar with the above captioned case except to the extent that Steven Rosenfield, one of the lawyers in the case, has briefed me on it. I have worked with Mr. Rosenfield many times and I have worked with Jeffrey Fogel. Mr. Rosenfield provided me with a list of the experience of the lawyers and paralegals involved in this case and the hourly rate that they charge and seek from this Court.

4. After reviewing the hourly rates and the experience of those involved in this case it is my experience and opinion that rates

sought for each category of participant to be in the range of others around the country, in small jurisdictions and in large jurisdictions.

5. In particular, I know the quality of the work performed by Messrs. Rosenfield and Fogel which is excellent and I believe that most lawyers with 40-50 years of experience charge much higher fees than Rosenfield and Fogel. Therefore, the rate they seek is, in my experience, at the very low end of rates charged by lawyers from around the country with their years in practice. Most lawyers with 40-50 years of experience rarely spend most of their careers doing primarily civil rights cases, as do Messrs. Rosenfield and Fogel.

6. The **HUMAN RIGHTS DEFENSE CENTER** operates very similarly to the Rutherford Institute, devoted and dedicated to the promotion of civil rights. I believe that the rates charged by the HRDC is in line with the fees charged by me and with the lawyers with whom we associate.

DATE: November 22, 2019


Douglas R. McKusick